

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Public Servants – PR & RD Department – Allegations of irregularities in execution of work “BT Road from PWD road to MSC Form (PWD Road) via Ambam (V), ARP Camp, Jaithapur of Yedapally (M) in Nizamabad District” – Sri A.S.A. Gandhi, formerly Deputy Executive Engineer, PR Sub Division, Bodhan (now Retired) – Disciplinary action initiated – Show Cause Notice Issued under Rule -9 of A.P. Revised Pension Rules, 1980 – Implementation of Interim Orders of APAT in OA No.3150/2012, pending finalization of the OA – Orders – Issued.

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PANCHAYAT RAJ AND RURAL DEVELOPMENT (VIG.I) DEPARTMENT

G.O.Rt.No. 1767

Dated:25.09.2012

Read the following :

1. From the G.A. (V&E) Dept., Vigilance Report No.90 (873/V&E/E2/03), dated 30.06.2003.
2. Govt. Memo No.867/Vig.I/2003-9, dated 18.05.2006.
3. Written Statement of Defence of Sri A.S.A. Gandhi, formerly Deputy Executive Engineer, PR Sub Division, Bodhan, dated 01.08.2006.
4. G.O.Rt.No.381, PR & RD (Vig.I) Dept., dated 16.03.2007.
5. From the Commissioner of Inquiries, GAD, D.O. Lr.No.128/COI- JR/ 2007, dated 24.09.2008.
6. Govt. Memo No.867/Vig.I/2003-13, dated 31.07.2009.
7. From Sri A.S.A. Gandhi, formerly Deputy Executive Engineer, PR Sub Division, Bodhan, dt. 31.12.2009.
8. Govt. Memo.No.867/Vig.I/2003-17, dated 28-12-2011.
9. From the APAT, Hyderabad, Interim orders, dated 24.04.2012 in OA No.3150/2011.
10. From the APAT, Hyderabad, Notice, dated 23.07.2012 in CA No.1056/2012 in OA No.3150/2012.

ORDER :

In the reference 2nd read above, charge framed under rule 20 of A.P. Civil Services (Classification, Control & Appeal) Rules, 1991 against Sri A.S.A. Gandhi, formerly Deputy Executive Engineer, PR Sub Division, Bodhan, Nizamabad District, on the allegations that he has failed to discharge his legitimate official duties in check measuring / recommending sub-standard work in the execution of work “BT Road from PWD road to MSC Form (PWD Road) via Ambam (V), ARP Camp, Jaithapur of Yedapally (M) in Nizamabad District”. In the reference 3rd read above, the Charged Officer has submitted his written statement of defence.

2. After examining the matter, in the reference 4th read above, orders were issued appointing Sri Janak Raj, IPS (Retired), Commissioner of Inquiries, General Administration Department as Inquiry Officer for conducting detailed inquiry against Sri A.S.A. Gandhi, formerly Deputy Executive Engineer, PR Sub Division, Bodhan and (3) others, as per Rule 20 (2) of A.P. Civil Services (Classification, Control & Appeal) Rules, 1991. Government also appointed Sri P.Ganeshwar Rao, Chief Engineer, RWS-2, Hyderabad as Presenting Officer, to present the case before the Inquiry Officer under Rule 20 (5)(c) of A.P. Civil Services (Classification, Control and Appeal) Rules, 1991.

3. In the reference 5th read above, the Inquiry Officer has submitted his inquiry report holding that the charge framed against the Charged Officer is not proved. Government have examined the inquiry report and disagreed with the findings of the C.O.I. In the reference 6th read above, while enclosing a copy of Inquiry

P.T.O.

Report along with the disagreement factors, the Charged Officer Sri A.S.A. Gandhi, formerly Deputy Executive Engineer, PR Sub Division, Bodhan has been directed to submit his explanation, if any, on the inquiry report and disagreement factors, under rule 21 (2) of A.P. Civil Services (Classification, Control & Appeal) Rules, 1991. The Charged Officer has submitted his representation, vide reference 7th read above.

4. After examining the matter, Government have provisionally decided to impose a penalty of "withholding of 5% pension for a period of 5 years" on Sri A.S.A. Gandhi, formerly Deputy Executive Engineer, PR Sub Division, Bodhan as he was retired on 31.07.2010. Accordingly, the Charged Officer was directed to show-cause as to why a penalty of "withholding of 5% (five percent) pension for a period of 5 years" should not be imposed on him, under rule-9 of A.P. Revised Pension Rules, 1980 vide reference 8th read above. The Charged Officer has not submitted any representation.

5. As the matter stood thus, Sri A.S.A. Gandhi, formerly Deputy Executive Engineer, PR Sub Division, Bodhan (Retired) has filed an O.A. No. 3150/2012 before the Hon'ble A.P.A.T. and the Hon'ble A.P.A.T. in the reference 9th read above, has passed the following interim order dated 24.04.2012 in OA No.3150/2012.

"In the circumstances of the case, pending disposal of the O.A., the impugned Memo No. 867/Vig.I/2003-17, dated:28.12.2011, imposing a cut of 5% in pension for a period of five years, is suspended and further, the respondents are directed to release pension and gratuity to the applicant forthwith."

6. In the reference 10th read above, the Hon'ble Tribunal has given notice in CA No. 1056/2012 in OA No.3150/2012 that to show cause as to why the above CA shall not be admitted for willful disobedience of the orders of the Tribunal dated 24.04.2012 in OA No.3150/2012.

7. Government, after careful examination of the matter, hereby order to release the pension and gratuity to Sri A.S.A. Gandhi, formerly Deputy Executive Engineer, PR Sub Division, Bodhan (Retired) as per the interim orders dated 24.04.2012 in O.A. No.3150/2012 of A.P.A.T., without prejudice to right of appeal or the final outcome of O.A., before APAT, pending final disposal of the O.A.

8. The Engineer-in-Chief, Panchayat Raj, Hyderabad shall take necessary further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

C.R. BISWAL
PRINCIPAL SECRETARY TO GOVERNMENT (PR)

To
Sri A.S.A. Gandhi, formerly Deputy Executive Engineer, PR Sub Division,
Bodhan (Retired) through Engineer-in-Chief, Panchayat Raj, Hyderabad.
The Engineer-in-Chief, Panchayat Raj, Hyderabad

Copy to:

The Government Pleader for PR & RD, A.P.A.T., Hyderabad.
The Secretary to V.C., A.P. Vigilance Commission, Hyderabad.
The General Administration (V&E) Department.
SF/SC

// FORWARDED::BY::ORDER //

SECTION OFFICER